

## 130th MAINE LEGISLATURE

## **SECOND REGULAR SESSION-2022**

**Legislative Document** 

No. 1899

H.P. 1406

House of Representatives, January 5, 2022

An Act To Ensure Safe Entry and Access for People Seeking Health Care and Other Constitutional Rights

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Judiciary suggested and ordered printed.

ROBERT B. HUNT

R(+ B. Hunt

Clerk

Presented by Representative McCREIGHT of Harpswell.
Cosponsored by Senator DAUGHTRY of Cumberland and
Representatives: Speaker FECTEAU of Biddeford, HARNETT of Gardiner, MEYER of Eliot,
RECKITT of South Portland, TALBOT ROSS of Portland, TEPLER of Topsham, Senators:
CARNEY of Cumberland, VITELLI of Sagadahoc.

| 5<br>6<br>7<br>8 | Sec. 2. 5 MRSA §4684-B, sub-§2, as enacted by PL 1995, c. 417, §3, is amended to read:  2. Violation Intentional violation. It is a violation of this section subsection for any person, whether or not acting under color of law, to intentionally interfere or attempt to intentionally interfere with the exercise or enjoyment by any other person of rights secured by the United States Constitution or the laws of the United States or of rights secured by the Constitution of Maine or laws of the State by any of the following conduct: |
|------------------|---|
| 7                | <b>2. Violation Intentional violation.</b> It is a violation of this section subsection for any person, whether or not acting under color of law, to intentionally interfere or attempt to intentionally interfere with the exercise or enjoyment by any other person of rights secured by the United States Constitution or the laws of the United States or of rights secured by the Constitution of Maine or laws of the State by any of the following conduct:  |
| 9<br>10<br>11    | A. Europeine in the above collaboration of a buildings  |
| 12               | A. Engaging in the physical obstruction of a building;  |
| 13<br>14<br>15   | B. Making or causing repeated telephone calls to a person or a building, whether or not conversation ensues, with the intent to impede access to a person's or building's telephone lines or otherwise disrupt a person's or building's activities;   |
| 16<br>17         | C. Activating a device or exposing a substance that releases noxious and offensive odors within a building; or  |
| 18<br>19<br>20   | D. After <u>During the posted hours of operating after</u> having been ordered by a law enforcement officer to cease such noise, <u>at any time after the order</u> , intentionally making noise that can be heard within a building and with the further intent either:  |
| 21<br>22         | (1) To jeopardize the health of persons receiving health services within the building; or   |
| 23<br>24         | (2) To interfere with the safe and effective delivery of those services within the building.  |
| 25               | Violation of this subsection is a Class E crime.  |
| 26               | Sec. 3. 5 MRSA §4684-B, sub-§3 is enacted to read:  |
| 27<br>28<br>29   | 3. Knowing violation. It is a violation of this subsection for any person to knowingly enter into, remain in or create an obstruction in a medical safety zone during the posted hours of operation of the provider of a health service, with the following exceptions:   |
| 30               | A. A person entering or leaving the building;   |
| 31<br>32         | B. A person using the public sidewalk or street right-of-way adjacent to the building solely for the purpose of reaching a destination other than the building;   |
| 33<br>34<br>35   | C. A law enforcement officer, firefighter, emergency medical services provider, employee of a construction company or a utility or employee of a public works department or other municipal service acting in the course of employment; or  |
| 36<br>37         | D. An employee or agent of the health service or the operator of the building acting in the course of employment.   |
| 38               | Violation of this subsection is a Class E crime.  |
| 39               | Sec. 4. 5 MRSA §4684-B, sub-§4 is enacted to read:  |

Be it enacted by the People of the State of Maine as follows:

**Sec. 1. 5 MRSA §4684-B, sub-§1, ¶B-1** is enacted to read:

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4. Demarcation. At the request of the provider of a health service, a municipality shall mark the boundary of the medical safety zone for the building in which the provider of a health service operates by painting lines or placing temporary markers. The municipality shall mark the boundary not later than the 30th day after the date the municipality receives a request under this subsection. The provider of a health service shall post or cause to be posted at least one sign at the boundary of the medical safety zone that contains:

A. The following notice written in a clear and conspicuous manner: "HEALTH CARE."

A. The following notice written in a clear and conspicuous manner: "HEALTH CARE FACILITY – NO STANDING IN THIS ZONE"; and

B. A reference to subsection 3.

11 SUMMARY

This bill defines the term "medical safety zone" and requires the demarcation of a medical safety zone around a building in which patients receive health services and prohibits a person from entering into, remaining in or creating an obstruction in that medical safety zone during the hours in which health services may be provided. The bill also makes violating that prohibition or intentionally interfering or attempting to interfere with the exercise of certain constitutional rights a Class E crime.